

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

THE ESTATE OF HERMAN	)	CASE NO. 1:22-cv-01246 SEB-MJD
WHITFIELD, III,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE CITY OF INDIANAPOLIS,	)	
STEVEN SANCHEZ, ADAM AHMAD,	)	
MATTHEW VIRT, DOMINIQUE	)	
CLARK, JORDAN BULL, and	)	
NICHOLAS MATHEW,	)	
	)	
Defendants.	)	

**MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF’S FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendants, by counsel, pursuant to Fed. R. Civ. P. 6(b)(1) and S.D. L.R. 6-1(c), respectfully move for a 28-day extension of time to respond to Plaintiff’s First Request for Production of Documents, and in support state as follows:

1. Plaintiff’s First Request for Production of Documents was served on October 7, 2022, and contains one request: “A copy of any and all video or photographs relating to the Incident, including the complete officer body cam videos.”
2. The original deadline to respond to Plaintiff’s First Request for Production of Documents is November 7, 2022, which date has not passed and which has not been previously extended.
3. The requested new deadline is December 5, 2022, which is 28 days from the original deadline.

4. The reason for Defendants' request for an extension of time is because the requested items are not available for production at this time, due to an underlying criminal investigation of the incident which is the subject of this lawsuit.
5. A grand jury subpoena was issued to the City of Indianapolis, Indianapolis Metropolitan Police Department requesting certain information regarding this incident.
6. Defendants have good cause for the motion because the individual defendants are the subject of a criminal investigation, and production of the requested documents in the civil case while the related criminal investigation is continuing could compromise that investigation. *See United States v. Michelle's Lounge*, No. 91 C 5783, 1992 WL 194652, at \*5 (N.D.Ill. Aug.6, 1992).
7. Defendant City of Indianapolis provided the opportunity for Plaintiff's counsel to view the requested videos, and Plaintiff's counsel has done so.
8. The undersigned counsel are not in possession of the requested items at this time, due to the ongoing criminal review of the incident.
9. The parties have agreed to an automatic extension of time on all other discovery requests in this matter, but Plaintiff's counsel objects to this motion for extension of time to respond to Plaintiff's First Request for Production of Documents.
10. The requested 28-day extension of time to respond to Plaintiff's First Request for Production of Documents does not interfere with the Case Management Plan, scheduled hearings or trials or other deadlines set by court order.

WHEREFORE, Defendants, by counsel, request a 28-day extension of time up to and including December 5, 2022, to respond to Plaintiff's First Request for Production of Documents, and for all other just and proper relief.

FROST BROWN TODD LLC

By: / s / Anthony W. Overholt

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*Attorney for Defendants*

## CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of November, 2022, a copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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